ORDINANCE NO. 2015-290

AN URGENCY ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE XII, CHAPTER 3, ARTICLE 8, CONSERVATION OF WATER SUPPLY TO INCLUDE ELEMENTS REQUIRED TO MEET EMERGENCY DROUGHT REGULATIONS FOR URBAN WATER SUPPLIERS AS ENACTED BY THE STATE WATER RESOURCES CONTROL BOARD

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The Town Council ("Council") does hereby find and declare as follows:

(a) This ordinance is intended to be an urgency ordinance in accordance with California Government Code section 36937 based on the following findings of fact, making this ordinance necessary for the immediate preservation of the public health and safety.

(b) On January 17, 2014, Governor Brown proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions, calling for a statewide voluntary 20 percent reduction in water use.

(c) In response to the Governor's statewide declaration, on February 19, 2014, Council adopted Resolution 3057-14 declaring a Stage 1 water emergency and called for a voluntary 20% reduction in water use.

(d) On April 25, 2014, Governor Brown proclaimed a Continued State of Emergency to exist throughout the State of California due to severe drought conditions, making the statewide 20 percent reduction in water use mandatory.

(e) As directed by the Governor, on July 15, 2014, the State Water Resources Control Board adopted Article 22.5 entitled "Drought Emergency Water Conservation Regulations" (California Code of Regulations, Title 23, sections 863, 864, and 865), which makes drought related findings and imposes mandatory requirements on urban water suppliers statewide and water restrictions on outdoor water uses.

(f) In response to these emergency regulations, on August 6, 2014, a public hearing was held whereby Council Adopted Resolution 3118-14 declaring a Stage 2 water emergency, making the 20% reduction goal and outdoor watering reductions mandatory.

(g) On March 17, 2015, as a result of the continuing drought conditions and because the 20 % statewide reduction goal was not being met, the State Water Resources Control Board acted to update and extend the drought emergency regulations for another 270 day

period, including new requirements for urban water suppliers to meet and new water restrictions.

(h) Pursuant to California Water Code section 10617, the Town of Windsor is an urban water supplier.

(i) The effective date of the updated March 2015 drought emergency regulations was March 27, 2015, and the 45-day allowance for implementation expires on May 11, 2015.

(j) The updated State drought emergency requirements require changes to the Town's Municipal Code Title XII, Chapter 3, Article 8, to comply with State law and to ensure the immediate preservation of the public health and safety in order to protect the Town's water supply in the face of ongoing severe drought conditions.

SECTION 2. Title XII, Chapter 3, Article 8, *Conservation of Water Supply* is hereby amended as follows:

Section 12-3-805, subsection (d) of the Windsor Municipal Code is hereby amended to read as follows:

ETo adjustment factor means a percent reduction for landscape irrigation set by resolution of the Windsor Town Council and used as a factor to multiply times ETo to determine the appropriate amount of sprinkler water to apply to turf grass, garden, landscaped area, trees, or shrubs while rationing is in effect. The amount of water to apply is found by multiplying the area of landscape to be irrigated (square ft.) times the appropriate ETo Adjustment Factor times the plant factor times ETo (inches for a given period of time—typically three (3) to seven (7) days) times seven point forty-eight over twelve (7.48/12) to convert to gallons.

Section 12-3-805 is hereby amended to add the following:

h. *Plant factor* means the fraction of water lost from the plant relative to reference evapotranspiration.

Section 12-3-805, subsection (j) is hereby amended to read as follows:

Sprinklers as used in this article means an irrigation sprinkler connected to a hose, irrigation sprinklers connected to an in-ground pipe system, and soaker hoses or porous pipelines operating off of normal service pressure.

Section 12-3-810 is hereby amended to read as follows:

This article shall be in effect immediately after the Town Council by resolution declares that a water shortage condition exists, shall supersede and control over any other ordinance or regulation of the Town in conflict herewith, and shall remain in effect until the Town

Council declares by resolution that the water shortage emergency has ended and renders this article inactive until called upon again as future drought conditions may warrant.

Section 12-3-815 (a) is hereby amended to read as follows:

After the Town Council by resolution declares that a water shortage condition exists and this article becomes effective, and until the date the Town Council by resolution declares that the water shortage has ended, which period is hereinafter referred to as the suspension period, no new or enlarged connection shall be made to the Town's water system except the following:

Section 12-3-815, subsection (a) (3) is hereby amended to read as follows:

During Stage 2 and 3 if the overall mandatory rationing requirement is equal to or less than thirty (30%) percent, connection of property for which the applicant has obtained all approvals required for development (including a Building Permit), except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.

Section 12-3-815, subsection (a) (4) is hereby amended to read as follows:

During Stage 2 and 3 if the overall mandatory rationing requirement is greater than thirty (30%) percent, connection of property for which the applicant: has obtained all approvals required for development (including a Building Permit), except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and, either retrofits good quality water conservation fixtures and devices (one point twenty-eight (1.28) gallon per flush toilets, one point five (1.5) gallon per minute shower heads, and one point five (1.0) gallon per minute faucet aerators for kitchen sinks and lavatories) in five (5) existing single-family detached dwelling units served by the Town, or pays the Town one thousand five hundred ($1,500.00) dollars per equivalent single-family detached dwelling unit for which water service is being applied. These payments shall be used by the Town to help fund its expanded water conservation program efforts during the suspension period. If an applicant chooses the retrofit option and a selected home already has some water conserving fixtures, applicant shall install conservation fixtures in additional dwellings as determined necessary by the Town's Water Conservation Coordinator.

Section 12-3-820 (4) is hereby amended to read as follows:

Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle that will cause the water to cease dispensing immediately when not in use.

Section 12-3-825 (b) is hereby amended in part to read as follows:

At any and all times that a Stage 1 water shortage emergency condition is declared to exist by the Town Council, all customers are asked to voluntarily reduce consumption of water

furnished by the Town by fifteen (15%) percent, unless another percentage reduction is specified by resolution of the Town Council, and all customers of the Town are requested to:

Section 12-3-825 (b) (1) is hereby amended to read as follows:

Apply irrigation water only during the evening and early morning hours between 7 p.m. and 9 a.m. of the next day to reduce evaporation losses.

Section 12-3-825 (b) (4) is hereby amended to read as follows:

Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters, ditches, and other adjacent impervious areas before the irrigation cycle is completed.

Section 12-3-825 (c) (2) is hereby amended to read as follows:

Water escaping from a broken pipe or leak once discovered and after passage of a reasonable amount of time to determine how to shut off the water (refer to Section 12-3-820 hereof);

Section 12-3-825 (d) is hereby amended to read as follows:

At the time of declaration of a Stage 2 or greater water shortage emergency, an overall mandatory rationing requirement for customers to collectively meet shall be established. In determining compliance, the Town shall rely on water production records comparing current production trends to trends that would normally be expected to occur, or as compared to a corresponding billing period identified by resolution of the Town Council. Individual customers who can conserve more than the mandatory conservation requirements established by this article are requested and strongly encouraged to do so voluntarily in order to help those customers who would incur economic hardship in order to meet the rationing level.

Section 12-3-825 (e) (2) is hereby amended to read as follows:

Any irrigation only use in excess of that resulting from application of the mandatory irrigation rationing requirement or occurring outside of the allowed hours or days of the week as established by resolution of the Windsor Town Council.

Section 12-3-825 (e) (5) is hereby amended to read as follows:

Any use of water from a fire hydrant except for fighting fires, human consumption, stock water, essential water system flushing and clean-up purposes, and water used for construction needs. If the overall mandatory rationing requirement is greater than thirty (30%) percent, a permit issued by the Town Engineer shall be required for all hydrant use except for water used for fighting fires or for other emergency use deemed essential by the fire chief.

Section 12-3-825 (g) (3) is hereby amended to read as follows:

Irrigation only meters: any use in excess of that resulting from application of the mandatory irrigation rationing requirement or occurring outside of the allowed hours and days of the week as established by resolution of the Windsor Town Council.

Section 12-3-825 (i) is hereby amended to read as follows:

If a connection to the Town's system was not in existence or used in the corresponding billing period established for determination of the mandatory rationing requirement, the Town will estimate use in such year based on other historic records and/or water use by customers having similar end uses.

Section 12-3-825 is hereby amended to add the following:

Conformance with State Requirements

k. In addition to the non-essential uses and restrictions detailed in this article, the Town Council may by resolution specify additional non-essential uses of water, or other mandatory water use restrictions or penalty fees during the shortage period, as may be required from time to time to conform to State declarations, regulations, and requirements with respect to drought and water conservation matters.

Section 12-3-835 (a) is hereby amended to read as follows:

Any customer of the Town may use sprinklers to apply water furnished by the Town to irrigate any existing turf grass, garden, landscaped area, trees or shrubs provided said application is properly controlled and performed in a non-wasteful and efficient manner confined to the days of the week specified by resolution of the Town Council and to the hours of 7:00 p.m. and 9:00 a.m. of the next day. In the event low pressure micro-jet sprayers are present in a drip system, irrigation by the valve(s) controlling same shall also be confined to the hours noted above.

Section 12-3-835 (b) is hereby amended to read as follows:

The amount of water normally required for landscape irrigation shall be reduced by a percent set by resolution of the Town Council and shall hereafter be known as the ETo Adjustment Factor. This condition shall not apply to residential customers if Stage 3 allotments are implemented.

Section 12-3-835 (c) is hereby amended to read as follows:

In determining the amount of water to apply to turf grass, customers are encouraged to use the following formula:

Applied water for turf	Area of turf grass (square ft.) × ETo (inches for a given period of

grass (gallons) =	time—typically three (3) to seven (7) days) × ETo Adjustment Factor × conversion factor of zero point sixty-two (0.62)

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the plant factor for turf grass is one point zero (1.0). Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

Section 12-3-835 (d) is hereby amended to read as follows:

In determining the amount of water to apply to landscaped areas containing a mixture of trees and shrubs, customers are encouraged to use the following formula:

Applied water for mixed trees and shrubs (gallons) =	Area of Landscape (square ft.) × ETo (inches or a given period of time—typically three (3) to seven (7) days) × ETo Adjustment Factor × plant factor of zero point six (0.6) × conversion factor of zero point sixty-two (0.62)

The ETo Adjustment Factor is based on the assumption that overall irrigation efficiency is sixty-five (65%) percent and that the plant factor for mixed trees and shrubs is zero point six (0.6). Use of this formula to determine applied water will yield the appropriate amount of water to apply while rationing is in effect.

Section 12-3-835 (e) is hereby amended to read as follows:

Water applied by sprinklers shall be applied in short enough cycles to avoid run-off to gutters, drains, and other adjacent impervious areas.

Section 12-3-835 (f) is hereby amended to read as follows:

During the suspension period, use of water by sprinklers is a privilege and permission to use water in this way may be withdrawn if it comes to the attention of the Town Engineer that such use by a given customer is wasteful or in excess of the amount determined in subsection (b) of this section. A common result of wasteful application of water by sprinklers is evidence of runoff to a gutter or other adjacent impervious area.

SECTION 3. – CEQA. The Town Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 (the activity is a regulatory action taken by the Town of Windsor pursuant to its police power for the maintenance and protection of a natural resource) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

SECTION 4. – Severability. If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 5. – Effective Date. This ordinance shall take effect immediately upon adoption by at least a four fifths vote of the Windsor Town Council.

SECTION 6. – Posting. The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 6th day of May 2015, by the following vote:

AYES:	**COUNCILMEMBERS FOPPOLI, FUDGE, MILLAN, SALMON AND MAYOR OKREPKIE**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

BRUCE OKREPKIE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK